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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,011	07/23/2003	Abraham B. de Waal	NVDA/P000654	9953
26291 7590 10/09/2007 PATTERSON & SHERIDAN L.L.P. 595 SHREWSBURY AVE, STE 100 FIRST FLOOR SHREWSBURY, NJ 07702			EXAMINER TRAN, TUYETLIEN T	
			ART UNIT 2179	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/626,011

Applicant(s)

DE WAAL, ABRAHAM B.

Examiner

TuyetLien (Lien) T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-8, 10-12, 14, 15, 17-19, 22-24, 26-31 and 35-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-8, 10-12, 14, 15, 17-19, 22-24, 26-31 and 35-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

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DETAILED ACTION

1. This action is responsive to the following communication: Amendment filed 8/01/07.

This action is made non-final.

2. Claims 1-3, 6-8, 10-12, 14, 15, 17-19, 22-24, 26-31 and 35-38 are pending in the case. Claims 1, 10, 17, 26 and 27 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/01/07 has been entered.

Claim Rejections - 35 USC § 101

4. Applicant's amendment corrects the previous rejection, therefore the previous rejection is withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

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Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims (as listed below) are rejected under 35 U.S.C. 103(a) as being unpatentable over Butler et al. (Patent No. 6,018,340, hereinafter simply referred to as Butler) in view of McFedries (ebook titled "Complete Idiot's Guide to Windows XP", published 10/03/2001, pages 1-7; hereinafter McFedries).

As to claims 1, 17 and 26, Butler teaches:

A method, a computer-readable media, a system comprising a processor and a storage medium for organizing at least one window on at least one computer monitor display (see Figs. 3-4 and col. 19, lines 28-36), comprising:

creating boundaries on the at least one computer monitor display, the boundaries forming a window area on the computer monitor display (e.g., the boundaries of monitor spaces 41 and 43 as shown in Fig 4);

saving the boundaries of the window area (e.g., note that the boundaries of monitor spaces are stored in order for the system to determine the position of the displayed object with respect to a position of each of the monitor space, see col. 2 lines 1-11);

associating a window with the window area (e.g., associating window A with the window area of the monitor space 41, see Fig. 4);

Butler does not expressly teach that:

automatically placing the window within a window area in response to a first user input via a first function key.

automatically sizing the window within a window area in response to a second user input.

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However, Butler suggests to a skilled artisan that:

automatically placing the window within the window area in response to a first user input via a first function key (e.g., note that a minimized window can be maximized or restored in response to input from the end-user such as clicking on the minimized icon on the Windows task bar, see col. 2 lines 37-45 and col. 14 lines 34-43).

automatically sizing the window within a window area in response to a second user input via a second function key (e.g., note that it is well-known that in Microsoft Windows system, a window can be restored to a position of a prior non-minimized state of the window in response to input from the end-user such as clicking on a restore button).

In addition, McFedries teaches

automatically placing the window within a window area in response to a first user input via a first function key (e.g., see Fig. 4.2 and 4.3; note that clicking on the minimized icon in the Windows task bar will put the window "Untitled- Notepad" into the desktop area).

automatically sizing the window within a window area in response to a second user input (e.g., see page 4; note that restore button allows a user to put the window back exactly the way it was before minimizing it or maximizing it; as shown in Fig. 4.3, clicking a Restore button will size the window back exactly the way it was before maximizing it).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the features of automatically placing and sizing the window within a window area in response to a first user input via a first and second function key as taught by McFedries to the method and system of organizing a window as taught by Butler to achieve the claimed invention. The motivation for the combination is to provide the ability for a user to easily adjust the size of a window to help the user work better (e.g., see McFedries page 2).

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In regard to claim 10, claim 10 reflects a system for organizing at least one window (see Figs. 3-4), the system comprising:

a processor (i.e., computer 300 in Fig. 3);

at least one computer monitor coupled to the processor (i.e., display monitors 330 and 332); and

a user interface coupled to the processor (i.e., graphical user interface as shown in Fig. 4), the user interface configured to receive input from a user (i.e., the user can manipulate the objects in the interface by controlling cursor 25 in Fig. 4) and facilitate creating boundaries on the at least one computer monitor (i.e., the boundaries of monitor spaces 41 and 43 and of displayed windows A-D as shown in Fig. 4), the boundaries forming at least one window area (i.e., monitor spaces 41 and 43 and windows A-D); wherein the user interface is configured to perform the steps as claimed in claim 1, and is rejected along the same rationale.

As to claim 27, Butler teaches:

A computer-based display system (see Fig. 4), comprising:

a user input element for enabling a user to define window areas on a display (see Fig. 7);

a processing element for causing at least one window to be displayed on the display (i.e., window D in Fig. 4), wherein window shape and window placement are dependent on the user-defined window area in which the window is positioned (i.e., windows A, B, C, D are positioned and shaped differently as shown in Fig. 4).

Butler does not expressly teach that:

automatically placing the window within a window area in response to a first user input via a first function key.

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automatically sizing the window within a window area in response to a second user input.

However, it would have been obvious to a person skilled in the art at the time the invention was made to implement these limitations for the same reasons as discussed with respect to claim 1 above.

As to claims 2, 11, 18, and 28, Butler further teaches wherein the window comprises an application (i.e., note that each display window can be dedicated to a specific application, see col. 1 lines 30-32).

As to claims 3, 12, 19, and 29, Butler further teaches wherein the window comprises text (i.e., note that each display window can be dedicated to a specific application such as Map application having text "Michigan" in window 90 as shown in Fig. 11(a)).

As to claims 6 and 22, Butler teaches further comprising moving at least one of the boundaries of the window area (i.e., the boundary of monitor space 41 is moved to the right, see Fig. 7).

As to claims 7, 14, 23, and 30, Butler teaches sizing the window in an at least one window area associated therewith (i.e., the size of monitor space 41 can be adjustable, see Fig. 4 and Fig. 7).

As to claims 8, 15, 24 and 31, Butler teaches further comprising adjusting a shape of a window area (i.e., the shape of monitor space 41 is changed as shown in Fig. 4 and Fig. 7).

As to claims 35-38, Butler further teaches in response to the second user input via the second function key, the window is sized to consume only a portion of the window area (e.g.,

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note that it is well-known that in Microsoft Windows system, a window can be restored to a position of a prior non-minimized state of the window in response to input from the end-user such as clicking on a restore button such as the size of the window A shown in fig. 4 which only consume a portion of the window area).

Response to Arguments

7. Applicant's arguments filed 1/8/07 have been fully considered but they are moot in new ground of rejection.

- ♦ Applicant's arguments that the prior art of Butler does not teach or suggest the limitations of amended claim 1, specifically, the prior art of Butler does not teach a window area is associated with an application (e.g., see Applicant's remark page 9, lines 1-7).

The Examiner respectfully submits that the prior art of Butler teaches the limitation of associating a window with the window area for the following reasons:

The claim language of the independent claim 1 does not require for the window area to be associated with one and only one application. In fact, the claim language of claim 1 only requires for the window area to be association with an application. Perhaps if the applicant intended for the claim language to include the limitation of the window area to be associated with only one applicaiton, the applicant should include such language in the claim.

In addition, the examiner would like to point out that the rejection of claim 1 is now obvious rejection based on combination of references.

- ♦ In response to applicant's argument with regard to claim 1 that the prior art of Butler do not teach that an application can be automatically placed within the window area in response to the user providing a first input via a first function key (e.g., see Applicant's remark page 9, lines

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8-10), the examiner notes that these limitations of claims 1 is clearly addressed as rejected *supra*.

In addition, the examiner would like to point out that the features upon which applicant relies (i.e., an application can be automatically placed within the window area in response to the user providing a first input via a first function key) are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

♦ In response to applicant's argument with regard to claims 35-38 that the prior art of Butler do not teach that in response to a second user input via a second function key, sizing the window to consume only a portion of the window area (e.g., see Applicant's remark page 9, paragraph 4), the examiner notes that these limitations of claims 35-38 are clearly addressed as rejected *supra*.

Conclusion

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In *re Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00, off on alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

T.T
10/03/2007

Lien Tran
Examiner
Art Unit 2179

BA HUYNH
PRIMARY EXAMINER